

FILED

2008 SEP -2 AM 10:15 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 2682

<b>UNITED STATES OF AMERICA,</b>	)	Magistrate Case No. _____
BY 	)	
Plaintiff,	)	
	)	<u>COMPLAINT FOR VIOLATION OF</u>
v.	)	
	)	
<b>Ana Gloria DUEÑAS</b>	)	Title 8, U.S.C., Section
A.K.A.	)	1324(a)(2)(B)(iii)-
<b>Ana G. DUEÑAS-Valdivieso</b>	)	Bringing in Illegal Aliens
Defendant	)	Without Presentation
	)	

The undersigned complainant being duly sworn states:

On or about **August 30, 2008**, within the Southern District of California, defendant **Ana Gloria DUEÑAS (A.K.A. Ana G. DUEÑAS-Valdivieso)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Alfonso ATRIANO-Rodriguez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).




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SIGNATURE OF COMPLAINANT  
Alfredo Loperena, Enforcement Officer  
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence, this 2<sup>nd</sup> day of September, 2008.




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UNITED STATES MAGISTRATE JUDGE

8/29/08

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Elizabeth Rangel- Machuca, declare under penalty of perjury the following to be true and correct:

The complainant states that **Alfonso ATRIANO-Rodriguez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 30, 2008, at about 1:51 a.m., **Ana Gloria DUENAS (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a blue 1988 Jeep Cherokee. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented her Form I-551 (Permanent Resident Card). The CBP Officer questioned Defendant regarding the ownership of the vehicle to which she replied that she was the owner. Defendant stated she was going home to South Gate, California and her reason for traveling to Mexico was to purchase "piñatas" for her grandson's birthday. Defendant gave two negative customs declarations stating she was not bringing anything from Mexico. The CBP Officer conducted an inspection of the vehicle and observed discrepancies on the undercarriage. The CBP Officer then escorted Defendant and vehicle to Secondary Inspection for further examination of the vehicle.

In Secondary Inspection, a CBP Enforcement Officers removed the rear passenger seat and lifted the floor carpet to reveal a non-factory door panel on the floor of the Jeep Cherokee. The door panel contained four (4) hinges, aligned on the floor, behind the driver and front passenger seats. The door panel was lifted open to reveal two trapped individuals, in a divided space; one adult male on the right side space and one adult pregnant female on the left side space. Both individuals were found lying on their backs, feet extended towards the front of the Jeep Cherokee and their heads pointed towards the rear. The non-factory compartment was constructed with thin metal sheets that was welded, riveted and screwed together and placed over the natural undercarriage, creating a coffin like space to conceal two individuals. The exhaust pipe appeared recently replaced. Concealed individuals were determined to be citizens of Mexico without legal documentation to enter the United States. The adult male was retained as a material witness and is now identified as **Alfonso ATRIANO-Rodriguez (Material Witnesses)**. The adult undocumented female alien not retained as a material witness was administratively processed and returned to Mexico.

**PROBABLE CAUSE STATEMENT Cont...**

**PROBABLE CAUSE STATEMENT****Ana Gloria DUEÑAS****SYS-08-08-463/A94 457 098**

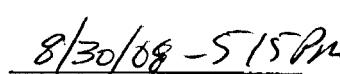
During a videotaped proceeding, Defendant was advised of her Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted she is the legal titled owner of the Jeep Cherokee. Defendant stated she does not have family member nor has she visits anyone in Mexico. However, has frequently traveled to Mexico to purchase ceramics to resale in South Gate, California. Defendant stated approximately one week ago she experience car trouble and left her Jeep Cherokee behind with a male acquaintance whom, she claims to have known for three months but denied knowing his name. Defendant stated since having initially left her Jeep Cherokee behind, about a week ago, she has taken other means of transportation to her home and back to San Ysidro, California, daily this week. Defendant stated although her Jeep Cherokee was not properly working, she has driven her vehicle across the border into the United States, several times this week, but never intending to drive home in it. Defendant stated she only drives the Jeep Cherokee to cross the international border and into the United States then parks at the Jack In-The-Box in San Ysidro, California. Defendant stated after each time she enters the United States in her vehicle, she meets with her male acquaintance from Mexico, at the Jack In-The-Box parking lot and turns over her Jeep Cherokee to him. Defendant stated her male acquaintance then drives her Jeep Cherokee back into Mexico to keep it at a parking lot, for her. Defendant denied knowing there was a non-factory compartment on the undercarriage of her registered owned vehicle. Defendant denied knowledge of concealed undocumented aliens in her vehicle. Defendant denied receiving payment.

On separate videotaped interviews, Material Witnesses admitted he is a citizen of Mexico without legal documents to enter into United States. Material Witness stated his friend made arrangements in order for him to be smuggled into the United States and agreed to pay a smuggling fee of \$2,000.00 (USD). Material Witness admitted he was unable to extricate himself out of the compartment. Material Witness admitted he was going to Los Angeles, California to seek employment.

Executed on this 30<sup>th</sup> day of August 2008 at 1800.

  
Elizabeth Rangel-Machuca/ CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on August 30, 2008 in violation of Title 8, United States Code, Section 1324.

  
MAGISTRATE JUDGE  
8/30/08 - 5:15 PM  
DATE / TIME